

Applic. No. 09/848,583  
Amdt. dated November 7, 2006  
Reply to Office action of August 7, 2006

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Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-4 and 6-11 remain in the application. Claims 12 and 13 are being cancelled herewith. Claim 5 was previously cancelled. Claim 11 has been withdrawn from consideration.

In item 1 on page 2 of the above-identified Office action, the drawings have been objected to as failing to comply with 37 CFR 1.84(a).

The Examiner stated that the "gatherer-stitcher", of claim 12 must be shown or cancelled from the claims. Claim 12 has been cancelled. Therefore, the objection to the drawings by the Examiner has been overcome.

In item 3 on pages 3-4 of the above-mentioned Office action, claims 1-4, 6, 7, and 10 have been rejected as being anticipated by Ito (US 4,922,773) under 35 U.S.C. § 102(b).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and

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the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

the first drive and the second drive being embodied as separate, mutually independent drives, and both of the drives being connected to one another via a control system for setting the course of motion of the transport device to the knife motion as a function of product format.

In item 3 on page 3 of the Office action the Examiner alleges that Ito discloses " a stroke device for moving the knives in a knife motion for performing the trimming of the margins (18), a second drive for driving the stroke device (20), the first drive and the second drive being separate (57 and 20), and both drives being connected to the other via a control system for setting the course of motion of the transport device to the knife motion as a function of product format (Fig. 6)." It is respectfully noted that the Examiner's remarks are not accurate.

More specifically, Ito discloses that the cutters (12 and 22) are coupled by a turn buckle screw (18) such that they are moved toward and away out of each other by rotating the screw

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(18). The screw (18) is coupled at one end to a motor (20) via a transmission mechanism (19) and has at the other end an encoder (21) which encodes and outputs as an electric signal a quantity of movement from a reference point. The motor (20) is controlled by a size setting control unit (70) to move the cutters (12 and 22) to desired top and bottom size positions (column 3, lines 41-50). The top and bottom size positions are the positions, which determine the size of the book after it has been cut and are not cutting positions of a stroking device or the knives in the cutting direction. Accordingly, Ito discloses that the motor (20) sets a distance between the cutters (12 and 22). Consequently, Ito does not disclose that the motor (20) drives a stroke device for moving the knives in a knifing motion. Therefore, it is respectfully noted that the Examiner's allegation pertaining to a second drive for driving a stroke device, is not accurate.

Furthermore, Ito discloses that the cutters (12 and 13) are further driven by a drive mechanism such that they move between bottom position where the book (7) is last cut at its bottom and a top position spaced from the book (7) (column 3, lines 50-53). Ito explicitly discloses that the drive mechanism is not illustrated and that the drive mechanism drives an aligning member (41), a hold member (90) for pushing the book against the base plate, the side cutter (49) and the

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bottom cutter unit (10) (column 8, lines 1-25). Therefore,  
Ito does not disclose a mutually independent drive for driving  
a stroke device.

As seen from the above-given remarks, the reference does not  
show the first drive and the second drive being embodied as  
separate, mutually independent drives, and both of the drives  
being connected to one another via a control system for  
setting the course of motion of the transport device to the  
knife motion as a function of product format, as recited in  
claim 1 of the instant application. The Ito reference  
discloses a drive mechanism that drives an aligning member, a  
hold member for pushing the book against the base plate, the  
side cutter and the bottom cutter unit. Ito does not disclose  
a mutually independent drive for driving a stroke device.  
This is contrary to the invention of the instant application  
as claimed, in which the first drive and the second drive are  
embodied as separate, mutually independent drives, and both of  
the drives are connected to one another via a control system  
for setting the course of motion of the transport device to  
the knife motion as a function of product format.

In item 5 on page 4 of the above-mentioned Office action,  
claims 8-9 have been rejected as being unpatentable over Ito  
in view of Cannon et al. (US 4,553,080) (hereinafter "Cannon")

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under 35 U.S.C. § 103(a). Cannon does not make up for the deficiencies of Ito. Since claim 1 is believed to be allowable, dependent claims 8 and 9 are believed to be allowable as well.

In item 6 on page 4 of the above-mentioned Office action, claims 12-13 have been rejected as being unpatentable over Kleinberg et al. (US 2,922,171) in view of Ito under 35 U.S.C. § 103(a). As noted above, claims 12 and 13 have been cancelled. Therefore, the rejection is moot.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-4 and 6-11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

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If an extension of time for this paper is required, petition  
for extension is herewith made.

Please charge any other fees which might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner  
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

  
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For Applicant(s)

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November 7, 2006

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